

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**A.G., a minor child; D.A., a minor child; )  
A.L., a minor child; M.K., a minor child; )  
and M.H., a minor child; )**

**PLAINTIFFS, )**

**VS. )**

**AUTAUGA COUNTY BOARD OF )  
EDUCATION, et al., )**

**DEFENDANTS. )**

**CASE NO: 2:05-CV-1090-MEF**

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**B.H., a minor child, by and through his )  
mother and next of friend, D.S., )**

**PLAINTIFFS, )**

**VS. )**

**AUTAUGA COUNTY BOARD OF )  
EDUCATION, et al., )**

**DEFENDANTS. )**

**CASE NO: 2:06-cv-0393-MEF**

**DEFENDANTS AUTAUGA COUNTY BOARD OF EDUCATION,  
JOSEPH L. BUTLER AND DENE W. CLEVELAND'S  
MOTION FOR EXTENSION OF TIME FOR FILING OF REPLY BRIEF**

COME NOW the Defendants Autauga County Board of Education, Joseph L. Butler and Dene W. Cleveland, and respectfully move for a two day extension for the filing of their reply brief to plaintiffs' Motion in Response to Defendant Autauga County Board of

Education, Joseph L. Butler and Dene W. Cleveland's Motion for Summary Judgment<sup>1</sup> and plaintiffs' Memorandum Brief in opposition to Defendant Autauga County Board of Education, Joseph L. Butler and Dene W. Cleveland's Motion for Summary Judgment. In further support of this motion, these defendants state as follows:

1. Pursuant to this Court's Orders, defendants Autauga County Board of Education, Joseph L. Butler and Dene W. Cleveland timely filed under seal their Motion for Summary Judgment, Brief and supporting exhibits on January 26, 2007.

2. Plaintiffs' counsel was served by hand delivery with a copy of Defendants' Motion for Summary Judgment, Brief and supporting exhibits on the same day they were filed, January 26, 2007.

3. Pursuant to the plaintiffs' motion for extension of time for filing their response, this Court granted a five day extension to the plaintiffs, such that their response was due February 20, 2007, instead of February 15, 2007.

4. As part of this Court's February 14, 2007 Order allowing the plaintiffs an additional five days for the filing of their response, the defendants were given seven days

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<sup>1</sup> Plaintiffs actually title their motion *Plaintiff's Motion in Response to Defendant Autauga County Board of Education, Terry Wright, Larry Butler and Dene Cleveland's Motion for Summary Judgment*. However, counsel for Autauga County Board of Education, Joseph L. Butler and Dene W. Cleveland do not represent Colonel Terry Wright, have never made an appearance on his behalf, and did not file a motion for summary judgment on his behalf. Further, the undersigned has not been served with a motion for summary judgment by *pro se* defendant Colonel Terry Wright.

from February 20, 2007 to file their reply.

5. However, even though the plaintiffs' Certificate of Service states that the defendants were served via electronic filing on February 20, 2007, the undersigned did not receive copies of the plaintiffs' filing in response to Defendants' Motion for Summary Judgment, Brief and supporting exhibits until this morning, February 22, 2007.

6. Accordingly, Defendants request that they be allowed to have the entire seven days which they were originally allowed in this Court's February 14, 2007 Order, such that their reply will be filed by March 1, 2007.

WHEREFORE, PREMISES CONSIDERED, Defendants Autauga County Board of Education, Joseph L. Butler and Dene W. Cleveland respectfully move for a two day extension for the filing of their Reply to plaintiffs' response to their Motion for Summary Judgment, Brief and supporting exhibits.

Respectfully submitted,

s/Katherine C. Hortberg

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this **22<sup>nd</sup>** day of **February, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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